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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,546	11/03/2006	Detlef Duschek	C1241/21095	3606
3000 7590 07/20/2007 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			EXAMINER DURAND, PAUL R	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,546

Applicant(s)

DUSCHEK, DETLEF

Examiner

Paul Durand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21,26,29-31,33,37,39 and 41 is/are rejected.
- 7) ☒ Claim(s) 22-25,27,28,32,34-37 and 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/18/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chidley et al. (US 3,463,532) in view of Gustafson (US 6,050,622).

Chidley discloses the invention as claimed including lopping a strapping element around an object in the form of a carton, which is to be secured against theft, and overlapping portion of the strapping element and joining the portion together (see figures 2,8 and 9). What Chidley does not disclose is the use of a security element, which can be detected electronically.

However, Gustafson teaches that it is old and well known in the art to provide a sealing device 1, which is wrapped and sealed around an object 3 and contains an electronically detectable security element 2 contained within overlapping portions for the purpose of preventing tampering with an object (see figures 1,2,9 and col. 3, line 13 – col. 4, line 59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Chidley with the security means as taught by Gustafson for the purpose of preventing tampering with an object.

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3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chidley and Gustafson in view of Cranston et al. (US 6,546,696).

The modified invention of Chidley discloses the invention as claimed as applied to claim 21 above except for the use of a bander machine, which loops a strip around the object.

However, Cranston teaches that it is old and well known in the art to provide a bander 10, which loops a strap 30 around an object 12, where the strap is fed by means of a conveying device 34, to a band guide 20, which surrounds the object and drawing said strapping means off a supply reel 28 and severing said loop from the remaining supply of strapping material prior to or subsequent to said joining step for the purpose of efficiently wrapping an object (see figures 1,8 and col. 3, lines 4-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Chidley with the strapping means as taught by Cranston for the purpose of efficiently wrapping an object.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chidley and Gustafson in view of Topp et al. (US 5,655,802).

The modified invention of Chidley discloses the invention as claimed as applied to claim 21 above except for the looping of the strap at 90 degree angles. However, Topp teaches that it is old and well known in the art to provide a packaged object where the object is trapped with straps 22 oriented at 90 degrees to each other for the purpose of preventing tampering of the contents (see abstract and figures 3 and 4).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Chidley with the strapping means as taught by Topp for the purpose of preventing tampering of the contents.

5. Claims 31, 33, 38, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cranston in view of Gustafson.

In claims 31,33,39 and 41, Cranston discloses the invention as claimed including an applicator 10, that encircles an object 12, with at least one strap 30 a sealing device 40, for sealing overlapping portions of said strap to secure said strap around the object and where the strap is fed by means of a conveying device 34, to a band guide 20, which surrounds the object and drawing said strapping means off a supply reel 28 (see figures 1,8 and col. 3, lines 4-32).

What Cranston does not disclose is the use of a security element. However, Gustafson teaches that it is old and well known in the art to provide a sealing device 1, which is wrapped and sealed around an object 3 and contains an electronically detectable security element 2 contained within overlapping portions for the purpose of preventing tampering with an object (see figures 1,2,9 and col. 3, line 13 – col. 4, line 59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Cranston with the security means as taught by Gustafson for the purpose of preventing tampering with an object.

In claim 38, while the modified invention of Cranston does not disclose the use of friction or ultrasonic welding, it would have been an obvious matter of design choice to have utilized either a friction or ultrasonic welding device, since applicant has not disclosed that the use of these devices solves any stated problem or is for any particular purpose and it appears the invention would do equally well with a normal thermal welder.

Allowable Subject Matter

6. Claims 22-25, 27, 28, 32, 34-37 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 571-272-4459. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul Durand
July 19, 2007